

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SCHNEIDER NATIONAL CARRIERS,
INC.,

Plaintiff,

v.

HURRICANE TRANS INC.,

Defendant.

Case No. 1:25-cv-00219-KES-EPG

ORDER SETTING DEADLINE RE:
DEFAULT JUDGMENT

(ECF Nos. 7, 8)

Plaintiff filed this action on February 20, 2025, and has since sought and obtained a clerk's entry of default under Federal Rule of Civil Procedure 55(a) against Defendant. (ECF Nos. 7, 8). Given the Clerk's entry of default, the Court will set a deadline for Plaintiff to move for default judgment under Rule 55(b)(2).¹ Additionally, the Court advises Plaintiff of the following basic requirements for a motion for default judgment.²

The motion must establish proper service on Defendant and the Court's jurisdiction. *In re Tuli*, 172 F.3d 707, 712 (9th Cir. 1999) ("When entry of judgment is sought against a party who has failed to plead or otherwise defend, a district court has an affirmative duty to look into its jurisdiction over both the subject matter and the parties."); *see S.E.C. v. Internet Sols. for Bus. Inc.*, 509 F.3d 1161, 1165 (9th Cir. 2007) ("We review de novo whether default judgment is void because of lack of personal jurisdiction due to insufficient service of process."). Notably here, the

¹ Alternatively, if Plaintiff believes a default judgment by the Clerk is appropriate under Rule 55(b)(1), Plaintiff may file such a request.

² This order does not purport to advise Plaintiff of all applicable requirements.

1 proof of service documents assert that Defendant was served by substituted service. (ECF No. 6).
2 Plaintiff must identify all service provisions that apply and specify how they were satisfied.

3 The motion must address the relevant factors regarding default judgment. *See Eitel v.*
4 *McCool*, 782 F.2d 1470, 1471-72 (9th Cir. 1986) (noting seven factors that courts may consider
5 before exercising discretion to enter default judgment). Here, the complaint identifies eight
6 counts. (ECF No. 1, p. 13). Plaintiff must independently address each count for which recovery is
7 sought.

8 Further, the motion must support any request for attorney fees, costs, and prejudgment
9 interest. *See In re Ferrell*, 539 F.3d 1186, 1192 (9th Cir. 2008) (noting party seeking attorney fees
10 and costs must specify basis for such award); *Schneider v. Cnty. of San Diego*, 285 F.3d 784, 789
11 (9th Cir. 2002) (“Whether prejudgment interest is permitted in a particular case is a matter of
12 statutory interpretation, federal common law, and, in some instances, state law.”); Fed. R. Civ. P.
13 54(c) (“A default judgment must not differ in kind from, or exceed in amount, what is demanded
14 in the pleadings.”). Here, Plaintiff must identify the recovery sought under the complaint, specify
15 the authority that supports it, and explain how any monetary amount sought is justified.

16 Accordingly, IT IS ORDERED as follows:

- 17 1. Plaintiff has until May 28, 2025, to file a motion for default judgment against Defendant.
- 18 2. Plaintiff’s motion for default judgment shall provide developed argument, including
19 citation to the record and relevant legal authority, in addressing the requirements
20 discussed above and any other applicable requirements. *See* Fed. R. Civ. P. 7(b)(1)(B)
21 (noting that motions must “state with particularity the grounds for seeking the order”).
- 22 3. The initial scheduling conference set for June 5, 2025, at 10:00 a.m. is VACATED,
along with related deadlines. (ECF No. 4).

23 IT IS SO ORDERED.

24 Dated: April 29, 2025

25 /s/ Eric P. Shoup
UNITED STATES MAGISTRATE JUDGE